

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

**IN RE**

**NADJA A LUGO TORRES**

**DEBTOR(S)**

**CASE NO. 13-03168-ESL**

**CHAPTER: 7**

**MOTION REQUESTING DISMISSAL**

**TO THE HONORABLE COURT:**

Comes now, **RELIABLE FINANCIAL SERVICES, INC.**, holder of a secured claim and Movant herein, through its undersigned counsel, and very respectfully to the Honorable Court, alleges and prays as follows:

1. Movant is the holder in due course of a duly executed conditional sales contract over motor vehicle HONDA ELEMENT 2006 registered under number 3685398, executed by debtor(s) on SEPTEMBER 23, 2010.

2. Debtor(s) filed the instant bankruptcy petition under Chapter 7 on APRIL 23, 2013.

3. As of today's date debtor(s) shows **FIVE(5)** post-petition arrears on monthly installments corresponding to the months of **January through May, 2014** for a total amount of post-petition installments due of **\$2,687.68**.

4. Section 707 (a)(1) of the Bankruptcy Code (11 USC Section 707 (a)(1)) provides for the dismissal of a case under Chapter 7 for "unreasonable delay by the debtor that is prejudicial to creditors".

5. Debtor's(s') non-compliance with the Bankruptcy Code requirements, is effectively causing undue harm to Movant's secured claim's holder status rights. Therefore, Movant seeks

the dismissal order, since its interest over the good mentioned in averment number ONE (1) is being harmed by the use of the collateral without receiving payments as entitled by the law.

**WHEREFORE**, it is respectfully requested from the Honorable Court to order the dismissal of the instant bankruptcy petition according to the aforementioned bankruptcy disposition

**NOTICE TO ALL PARTIES** is herein given to the effect that if no opposition is filed within thirty (30) from this notice the Court may enter an Order dismissing the case without further hearing.

#### **CERTIFICATE OF SERVICE**

I hereby certify that the present motion was filed electronically with the Clerk of the Court using CM/ECF systems which will send notifications of such to the **WIGBERTO LUGO MENDER**, Trustee and **ANIBAL MEDINA RIOS**, Debtor(s) Attorney and that we have sent copy of this document through regular mail to Debtor(s) **NADJA A LUGO TORRES, URB PARQUE DEL MONTE JJ1 CALLE YUISA CAGUAS, PR 00727** and to all non CM/ECF participants interested as per mailing list which is hereby included.

**RESPECTFULLY SUBMITTED,**

In San Juan, Puerto Rico this 12th day JUNE, 2014.

**/S/ CARLOS E. PEREZ PASTRANA**  
**USDC-208913**  
Attorney for Movant  
PO BOX 21382  
SAN JUAN, PR 00928-1382  
TEL. 787-625-6645 FAX: 787-625-4891  
[cperezp@reliablefinancial.com](mailto:cperezp@reliablefinancial.com)

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

**IN RE:**

**NADJA A LUGO TORRES**

**DEBTOR(S)**

**CASE NO. 13-03168-ESL**

**CHAPTER 7**

**MOTION SUBMITTING DECLARATION  
UNDER PENALTY OF PERJURY**

Comes now, **RELIABLE FINANCIAL SERVICES, INC.**, holder of a secured claim and Creditor herein and submitting to the Honorable Court the following declaration:

I, **Hildaris B. Burgos Muriel, Bankruptcy Officer** for **RELIABLE FINANCIAL SERVICES**, declare under penalty of perjury, the following:

That according to the enclosed certification, provided by Department of Defense Manpower Data Center (DMDC), debtor(s) is(are) not on active military duty nor in the military service and does not fall within the Service Member Civil Relief Act of 2003.

**RESPECTFULLY SUBMITTED,**

In San Juan, Puerto Rico this 12 day of JUNE, 2014.

**/S/Hildaris B. Burgos Muriel**  
**Bankruptcy Officer**  
P. O. Box 21382  
San Juan, PR 00928-1382  
Tel: (787)625-6647 Fax:(787)625-4891  
hburgosm@reliablefinancial.com



## Status Report Pursuant to Servicemembers Civil Relief Act

Last Name: LUGO

First Name: NADJA

Middle Name:

Active Duty Status As Of: Jun-12-2014

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

*Mary M. Snavelly-Dixon*

Mary M. Snavelly-Dixon, Director  
Department of Defense - Manpower Data Center  
4800 Mark Center Drive, Suite 04E25  
Arlington, VA 22350

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

## More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

## Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

**WARNING:** This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

Certificate ID: IAJ0G149N00CWC0

Label Matrix for local noticing  
0104-3  
Case 13-03168-ESL7  
District of Puerto Rico  
Old San Juan  
Thu Jun 12 15:17:21 AST 2014

EMPRESAS BERRIOS FINANCIERAS  
LUIS YAMIL RODRIGUEZ SAN MIGUEL ESQ  
PMB 256 PO BOX 4952  
CAGUAS, PR 00726-4952

(P)ORIENTAL BANK AND TRUST  
PO BOX 195115  
SAN JUAN PR 00919-5115

RELIABLE FINANCIAL SERVICES  
PO BOX 21382  
SAN JUAN, PR 00928-1382

UNITED STATES TRUSTEE  
500 TANCA ST STE 301  
SAN JUAN, PR 00901-1922

US Bankruptcy Court District of P.R.  
Jose V Toledo Fed Bldg & US Courthouse  
300 Recinto Sur Street, Room 109  
San Juan, PR 00901-1964

ASSISTANT US ATTORNEY  
TORRE CHARDON STE 1201  
350 AVE CARLOS CHARDON  
SAN JUAN PR 00918-2124

AT&T Mobility Puerto Rico, Inc  
% AT&T Services, Inc  
Karen Cavagnaro, Paralegal  
One AT&T Way, Room 3A231  
Bedminster, NJ 07921-2693

AT&T WIRELESS  
Acct 0055  
PO BOX 8220  
AURORA IL 60572-8220

AT&T WIRELESS  
Acct 0056  
PO BOX 8220  
AURORA IL 60572-8220

ATTORNEY GENERAL DEPT JUSTICE  
MAIN BLDG ROOM 5111  
10TH AND PENNSYLVANIA AVENUE NW  
WASHINGTON DC 20530-0001

ATTORNEY GENERAL ELA  
COMMONWEALTH OF PUERTO RICO  
PO BOX 9020192  
SAN JUAN PR 00902-0192

Anibal Medina Rios  
Urb Santa Cruz  
C-23 Calle Marginal  
Bayamon PR 00961-6706

BANCO BILBAO VIZCAYA  
Acct 6470  
PO BOX 364745  
San Juan PR 00936-4745

BANCO POPULAR DE PUERTO RICO  
BANKRUPTCY DEPARTMENT  
PO BOX 366818  
SAN JUAN PR 00936-6818

CLARO  
Acct 0269  
San Juan PR 00936

CLARO  
Acct 1454  
San Juan PR 00936

(p)INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY OPERATIONS  
PO BOX 7346  
PHILADELPHIA PA 19101-7346

E M I Equity Mortgage Inc  
Acct 1649  
1651 Avenue Juan Ponce de Leon  
San Juan PR 00912

EMI EQUITY MORTGAGE, INC  
c/o WALLACE VAZQUEZ SANABRIA  
17 MEXICO STREET, SUITE D-1  
SAN JUAN, PR 00917-2202

GE Capital Retail Bank  
c/o of Recovery Management Systems Corp  
25 S.E. 2nd Avenue, Suite 1120  
Miami, FL 33131-1605

Godinez Law Offices P S C  
Acct 1649  
PO Box 366221  
San Juan PR 00936-6221

Internal Revenue Service  
2970 Market St  
Mail Stop 5-Q30 133  
Philadelphia PA 19104-5002

Lcda Marisol Gierbolini  
Acct 6470  
PMB 236  
3071 Ave Alejandro  
Guaynabo PR 00969-4816

Liberty Cablevision  
Acct 1079  
Ave Rafael Cordero #220  
Caguas PR 00725-3762

MUEBLERIAS BERRIOS  
Acct 9702  
PO BOX 674  
Cidra PR 00739-0674

NADJA ALEXANDRA LUGO TORRES  
Urb Parque del Monte  
JJ1 Calle Yuisa  
Caguas PR 00727-7770

Oriental Bank  
Acct 6470  
Ave Munoz Rivera  
San Juan PR 00918

RELIABLE FINANCIAL SERVICES, INC.  
PO BOX 21382  
SAN JUAN PR 00982-1382

SECRETARY OF THE TREASURY ELA  
COMMONWEALTH OF PUERTO RICO  
PO BOX 9024190  
SAN JUAN PR 00902

ANIBAL MEDINA RIOS  
ANIBAL MEDINA RIOS LAW OFFICE  
C-23 CALLE MARGINAL URB SANTA CRUZ  
BAYAMON, PR 00961-6706

MONSITA LECAROL ARRIBAS  
OFFICE OF THE US TRUSTEE (UST)  
OCHOA BUILDING  
500 TANCA STREET SUITE 301  
SAN JUAN, PR 00901

NADJA ALEXANDRIA LUGO TORRES  
URB PARQUE DEL MONTE  
JJ 1 CALLE YUISA  
CAGUAS, PR 00727-7770

WIGBERTO LUGO MENDER  
LUGO MENDER & CO  
CENTRO INTERNACIONAL DE MERCADEO  
CARR 165 TORRE 1 SUITE 501  
GUAYNABO, PR 00968

as Service Agent for EMI EQUITY MORTGAGE, IN  
c/o WALLACE VAZQUEZ SANABRIA  
17 MEXICO STREET  
SUITE D-1  
SAN JUAN, PR 00917-2202

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

ORIENTAL BANK  
ENRIQUE NASSAR RIZEK & ASSOCIATES  
PO BOX 191017  
SAN JUAN, PR 00919

DEPT OF TREASURY  
INTERNAL REVENUE SERVICE  
PHILADELPHIA PA 19255-0001

(d)INTERNAL REVENUE SERVICE  
SAN PATRICIO OFFICE CENTER  
7 CALLE TABONUCO  
GUAYNABO PR 00968-3002

(d)INTERNAL REVENUE SERVICE  
TERRITORY 5 GROUP 6 INSOLVENCY UNIT  
MERCANTIL PLAZA BLDG  
2 PONCE DE LEON BLDG  
HATO REY PR 00918-1693

(d)ORIENTAL BANK  
ANGEL M VAZQUEZ BAUZA  
PO BOX 191017  
SAN JUAN PR 00919-1017

End of Label Matrix  
Mailable recipients 34  
Bypassed recipients 0  
Total 34